

HCS#2 HB 1062 -- DISABILITY SERVICES

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Children, Families, and Persons with Disabilities by a vote of 10 to 0.

This bill changes the laws regarding services for individuals with disabilities.

WORKFORCE TRANSITION SERVICES

The bill requires, by September 1, 2014, the Department of Elementary and Secondary Education to establish a work group to assess the available resources that youth with disabilities need for effective work experiences. The work group must review all interagency coordination of services for employer-matching services to ensure that the services adequately meet the needs of students and young adults with disabilities who seek employment and need job placement assistance. The goal of the work group must be to evaluate the current efforts and available resources and to promote the involvement of stakeholders when planning and implementing services to provide successful transitions to employment, lifelong learning, and quality of life. The work group must focus on secondary students and young adults with disabilities.

The work group must assess the strengths and need for improvement regarding transition services, instruction, and experiences that reinforce core curriculum concepts and skills leading to gainful employment for these individuals. It must determine if any additional state partnerships provided through nonfinancial interagency agreements are needed to enhance the employment potential of students and young adults with disabilities. The work group must focus on developing careers for these individuals to prevent economic and social dependence on the resources of state and community agencies. The department must submit recommendations based on the findings of the work group to the General Assembly prior to January 1, 2015. The work group members will be chosen and administered by the Commissioner of Education within the department and must include existing personnel and human resources available to the department.

MO HEALTHNET COVERED SERVICES

Subject to appropriations, the bill adds comprehensive day rehabilitation services beginning early post-trauma as part of a coordinated system of care for individuals with disabling impairments to the list of services covered under MO HealthNet. Services must be provided in a community-based facility and be

authorized on tier levels based on the services and frequency of services the patient requires as guided by a qualified rehabilitation professional associated with a health care home.

Subject to appropriations, the bill also adds prescribed medically necessary hearing aids to the list of covered services.

SERVICES DOGS

Currently, any person who knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The bill removes these provisions and specifies that any person who, with reckless disregard, injures, kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal will be guilty of a class A misdemeanor.

Currently, any person who knowingly or intentionally fails to exercise sufficient control over an animal he or she owns, keeps, harbors, or exercises control over to prevent the animal from causing substantial physical injury to or death of a service dog, or the inability to function as a service dog as a result, is guilty of a class A misdemeanor. The bill removes these provisions and specifies that any person who, with reckless disregard, interferes with or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user is guilty of a class B misdemeanor for a first violation and a class A misdemeanor for a second or subsequent violation.

The bill repeals the provisions relating to harassing or chasing a service dog and specifies that any person who intentionally injures, kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal is guilty of a class D felony. The bill removes current provisions allowing for a cause of action by an owner of a service dog to recover civil damages and specifies that any person who is convicted for violating these provisions must make full restitution for all damages that arise out of or are related to the offense. Restitution includes, but is not limited to, the value of the animal, replacement and training or retaining expenses, veterinary and other medical and boarding expenses for the animal, medical expenses for the owner, and lost wages or income incurred during the period the owner is without the services of the animal.

ACCESSIBLE PARKING

Currently, any parking lot that is restriped or constructed must

have one in every four accessible spaces served by an access aisle that is at least 96 inches wide and designated "lift van accessible only." The bill specifies that when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot with 25 or more parking spaces, the lot and accessible signs must meet the minimum requirements of the federal Americans with Disabilities Act for the number of required accessible parking spaces with at least one that is served by an access aisle at least 96 inches wide and designated "van accessible." If any accessible space is 132 inches wide or wider, the adjacent access aisle must be at least 60 inches wide. If any accessible space is less than 132 inches wide, the adjacent access aisle must be at least 96 inches wide.

BRAIN INJURY FUND

The bill adds the provision of consumer-based consumer services in comprehensive brain injury day rehabilitation therapy and vocational, home, and community support to the list of services that the Department of Health and Senior Services must expend funds collected by the Brain Injury Fund to individuals with brain injury.

The department, in cooperation with the Department of Social Services, must seek waivers from the federal Centers for Medicare and Medicaid Services to allow moneys in the fund to be used under the MO HealthNet Program to provide brain injury services. Upon the granting of a waiver, 40% of all moneys in the fund must be designated as MO HealthNet federal match moneys under the waiver. The waivers must be designed so that parity is established in funding for each of the eligible MO HealthNet home- and community-based services for adults with brain injuries.

A 10-member committee must be established to develop service descriptions, regulations, and parity of funding for eligible MO HealthNet service areas as needed. After services are established, the committee must meet at least annually to review services using the most current Department of Health and Senior Services brain injury needs assessments and to address any modifications needed in the program services to ensure services are meeting the needs of brain injury consumers.

The provisions of the bill regarding the work group to assess the available resources needed for effective work experiences for students and young adults with disabilities will expire January 1, 2015.

The provisions of the bill regarding accessible parking contain an emergency clause.

PROPONENTS: Supporters say that the bill provides comprehensive legislation for individuals with disabilities, including workforce transition services, creating a workgroup to assess available resources needed for effective work experience for youth with disabilities, and MO HealthNet covered services.

Testifying for the bill were Representative Grisamore and Missouri Association with Rehabilitation Facilities.

OPPONENTS: There was no opposition voiced to the committee.